

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: : Case No. 14-54090

Joseph D. Keel : Chapter 13
Holly L. Keel :
Debtors. : Judge Charles M. Caldwell

Joseph D. Keel
134 Rogers Parkway
Chillicothe, OH 45601

Holly L. Keel
134 Rogers Parkway
Chillicothe, OH 45601

Plaintiffs,

Adv. Pro. No. _____

v.

CitiFinancial, Inc.
c/o The Corporation Trust Company—*Registered Agent*
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

And

US Bank National Association, As Trustee of CVI Loan GT Trust I, Its Successors and
Assigns
c/o United States National ETC—*Registered Agent*
425 Walnut Street
Cincinnati, OH 45202

And

Green Tree Servicing, LLC
c/o CT Corporation System—*Registered Agent*
1300 E. 9th Street
Cleveland, OH 44114

Defendants.

COMPLAINT

1. Plaintiffs state that Joseph D. and Holly L. Keel filed for relief pursuant to Chapter 13 of the United States Bankruptcy Code on June 5, 2014.

2. Plaintiffs state that this is a core proceeding under 28 U.S.C. Section 157(b)(2)(I). Venue is proper under 28 U.S.C. Section 1409(a).

3. Plaintiffs state that they are the owners of residential real estate located at 134 Rogers Parkway, Chillicothe, Ohio 45601 more fully described as parcel number 3054580028 (hereinafter “real property”) (see attached Exhibit “A”).

4. The real property has a current fair market appraised value of \$53,000.00 as of June 28, 2014 (see attached Exhibit “B”).

5. Plaintiffs state that the real property is subject to a first mortgage lien to CitiFinancial Servicing, LLC, recorded in the Ross County Recorder’s Office on September 13, 2005, Instrument Number 2005 00010249 with an outstanding approximate balance of \$93,273.75 as of the date of the Chapter 13 bankruptcy filing (see attached Exhibit “C”).

6. Plaintiffs state that the real property has a second mortgage lien to Defendant CitiFinancial, Inc., recorded in the Ross County Recorder’s Office on March 2, 2007, Instrument Number 2007 00002106 in the approximate amount of \$5,642.08 as of the date of the Chapter 13 bankruptcy filing (see attached Exhibit “D”).

7. Plaintiffs state that Defendant CitiFinancial, Inc. transferred all of its interest in the second mortgage lien to Defendant US Bank National Association, As Trustee of CVI Loan GT Trust I, Its Successors and Assigns (hereafter referred to as “US Bank”) via a recorded assignment in the Ross County Recorder’s Office on November

14, 2013, Instrument Number 2013 00009861 (see attached Exhibit "E"). Defendant Green Tree Servicing, LLC is the current servicing company on the second mortgage and may hold an interest in the lien.

8. Plaintiffs state that the second mortgage lien of Defendants CitiFinancial, Inc., US Bank and Green Tree Servicing, LLC is a junior lien to the superior first mortgage lien of CitiFinancial Servicing, LLC.

9. Plaintiffs state that there exists insufficient equity in the residential real estate to deem the second mortgage of Defendants CitiFinancial, Inc., US Bank and Green Tree Servicing, LLC as secured.

10. Plaintiffs state that pursuant to the pertinent provisions of 11 U.S.C. § 506(a) and 506(d) as made applicable in this case by 11 U.S.C. § 1325(a)(5), Defendants CitiFinancial, Inc., US Bank and Green Tree Servicing, LLC are not the holders of a secured claim as to the second mortgage as that term is defined in the United States Bankruptcy Code.

WHEREFORE, the Plaintiff Debtors demand that:

1. The mortgage lien of CitiFinancial, Inc., which mortgage is recorded at Instrument Number 2007 00002106 of the Ross County Recorder's Official Records be found to be avoided and that the Court order the mortgage to be released and forever discharged against the real property 134 Rogers Parkway, Chillicothe, OH 45601 more fully described as parcel number 3054580028;

2. The mortgage lien of US Bank, as serviced by Green Tree Servicing, LLC, which mortgage is recorded at Instrument Number 2013 00009861 of the Ross County Recorder's Official Records be found to be avoided and that the Court order the mortgage

to be released and forever discharged against the real property 134 Rogers Parkway,
Chillicothe, OH 45601 more fully described as parcel number 3054580028;

3. For such further relief that the court finds just and proper in the premises
to grant.

Respectfully Submitted,
JUMP LEGAL GROUP, LLC

/s/ W. Mark Jump
W. Mark Jump (0062837)
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